

STATE OF MAINE

Kennebec, ss.

Board of Overseers of the Bar
Grievance Commission
File No. 98-145

BOARD OF OVERSEERS OF THE BAR

JUL 23 1999

BOARD OF OVERSEERS OF THE BAR,)

Petitioner)

v.)

RONALD L. BISHOP, ESQ.,)

Respondent)

**REPORT OF PROCEEDINGS,
FINDINGS, CONCLUSION,
AND DISPOSITION**

I. PROCEDURE

A hearing in this matter was conducted by Panel B of the Grievance Commission on February 25, 1999 and on June 24, 1999, in the Cumberland County Probate Courtroom in Portland, Maine. The panel was composed of Susan E. Hunter, Esq., of Portland, as Chair; David R. Weiss, Esq. of Bath and Marvin C. Chaiken of Cape Elizabeth. There were no objections to the composition of the Panel. J. Scott Davis, Bar Counsel, represented the Board. Respondent Ronald L. Bishop was present and represented himself. Board Exhibits 1 through 22 were admitted without objection at the beginning of the hearing on February 25. Board Exhibits 23-27 were admitted without objection at the beginning of the hearing on June 24, 1999.

II. FACTS

Ronald L. Bishop is an attorney licensed to practice law in Maine, who maintains his own law office in Waterville, Maine. Betty Hazard was his client and he represented her in two separate matters that are before this panel; the Spack case and the Theriault

case. Mr. Bishop filed the Spack case and established liability in the defendant. The amount of the damages was to be determined in a separate hearing. The matter was continued several times and an entry in the court record in December of 1995 indicates that Mr. Bishop telephoned the court to say that the matter had been settled. There was no further correspondence with the court nor did Mr. Bishop file any additional documents in this matter. Ms. Hazard did receive partial payment from Mr. Spack early in 1996, and it appears that Mr. Bishop did no further work in this matter. Ms. Hazard was never been paid anything after the January 1996 payment. There are no written documents, settlement agreements, correspondence between counsel confirming the agreement or even notes in Mr. Bishop's file indicating the terms on which this matter was settled. There was no enforcement action taken at any time to enforce the terms of the settlement that was evidently reached in December of 1995. Mr. Bishop admits that he neglected this file in violation of Maine Bar Rule 3.6(a)(3).

Mr. Bishop brought suit on Ms. Hazard's behalf in the Theriault matter as well. The complaint was filed in December of 1993 and service was made on the defendant at his residence during the same month. There was a settlement offer dated January of 1996. Ms. Hazard evidently rejected that offer and outlined for Mr. Bishop terms that she would accept. Again, there is no written correspondence between Mr. Bishop and Mr. Theriault's counsel confirming any kind of settlement, but by letter dated January 25, 1996, Mr. Bishop advised the court that the matter had been settled. Again, there were no documents filed with the court indicating the terms of that settlement or dismissing the case. Ms. Hazard was never paid the agreed upon amount and no enforcement action

was ever taken. The case was dismissed under Rule 41(b) in 1998. Mr. Bishop admits that he neglected this file in violation of Maine Bar Rule 3.6(a)(3).

Ms. Hazard now has new counsel attempting to enforce the unwritten settlement agreement against Mr. Theriault. New counsel has also entered her appearance in the Spack case and has requested a pretrial conference so that that matter can move forward on the issue of damages.

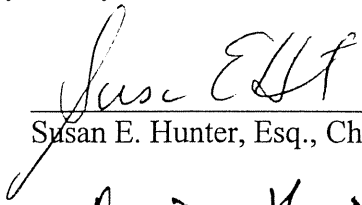
III. DECISION

This panel finds, and Mr. Bishop admits, that in both instances he neglected the file of Ms. Hazard in violation of Maine Bar Rule 3.6(a)(3). It is clear to the panel that Mr. Bishop neglected these matters because his office procedures, including specifically his docket control system, are inadequate. The panel, in searching for an appropriate disposition in this matter, adjourned the hearing and continued it 120 days to allow Mr. Bishop to establish his recognition of the problems in office administration in his practice and to establish for the panel his corrective action(s) so that these violations would not recur. During that 120 days, Mr. Bishop contacted the Maine State Bar Association Silent Partner Program, his malpractice carrier and his computer services vendor in order to establish better procedures for calendar control in his office. Throughout this period Mr. Bishop has been very cooperative in terms of listening both to the panel and to bar counsel on issues of practice management and has been open to various suggestions for improving his practice management.

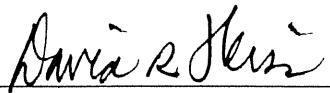
The neglect of these files is not a minor rule violation and a dismissal with a warning is therefore not appropriate in this matter. Because Mr. Bishop has made real efforts to improve his office administration so that these kinds of complaints will not

arise again, we do not find probable cause to refer this matter to the Court for suspension or disbarment, although we would consider that appropriate if there were a recurrence of this kind of a complaint. We have therefore determined that the appropriate disposition of this action is to reprimand Mr. Bishop for neglecting the matters entrusted to him and we do so reprimand him.

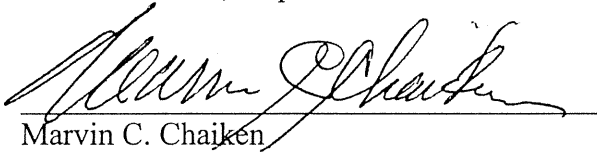
Dated at Portland, Maine this 21st day of July, 1999.



Susan E. Hunter, Esq., Chair



David R. Weiss, Esq.



Marvin C. Chaiken